



candor. Accordingly, the Judge concluded that claimant suffered no personal injury by accident as alleged.

Claimant contends the Judge erred. Claimant argues he has proven that he sustained a personal injury at work and, therefore, should receive a 79 percent permanent partial general disability, which is based upon a 100 percent wage loss and a 58 percent task loss. Claimant also argues that his pre-injury average weekly wage for purposes of computing the award should be calculated at \$526.51.

Conversely, respondent and its insurance carrier contend the Award should be affirmed.

The issues before the Board on this appeal are:

1. Did claimant sustain personal injury by accident arising out of and in the course of employment with respondent?
2. If so, what is the nature and extent of claimant's injury and disability?
3. What is claimant's pre-injury average weekly wage for purposes of computing the award?

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

After reviewing the entire record, the Board finds and concludes:

The Award should be affirmed. The Board agrees with the Judge's analysis of the evidence and law. The Board also finds and concludes that claimant is not a credible witness and that he has failed to prove that he sustained personal injury by accident arising out of and in the course of employment. Therefore, the remaining issues are rendered moot. The Board adopts the findings and conclusions set forth by the Judge in the Award.<sup>1</sup>

#### **AWARD**

**WHEREFORE**, the Board affirms the March 29, 2001 Award entered by Judge Moore.

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<sup>1</sup> On page 6 of the Award, the Judge finds that claimant testified he sought medical treatment at the emergency room on August 4, 1998. But the Board finds that claimant actually testified that he sought the emergency room treatment on August 5, 1998. Additionally, on page 10 of the Award, Judge Moore indicates that Dr. Sourk had not treated claimant with dexamethasone prior to claimant's August 27, 1998 office visit with the doctor. But, according to Dr. Sourk's August 12, 1998 office notes, the Board finds that claimant had been started on dexamethasone prior to the August 27, 1998 visit. Despite those discrepancies, the Board remains persuaded that claimant failed to carry his burden of proof.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of October 2001.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

c: Randy S. Stalcup, Attorney for Claimant  
Douglas C. Hobbs, Attorney for Respondent and its Insurance Carrier  
Bruce E. Moore, Administrative Law Judge  
Philip S. Harness, Workers Compensation Director